IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

and
THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT APPEAL NO : 1339 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order in W.P.M.P.No.18264 of 2005 in WP No.14381 of 2005 dated 05-07-2005 on the file of the High Court.)

Between:

1 S.K.M. Junior College(Aided),

Siddhavattam-516 237, Kadapa District,
rep.by its Correspondent.
2 Sri Saraswathi Vidyalam Junior College,

Sankarapuram, Kadapa-516 002.
rep. by its Correspondent.

..... APPELLANTS

AND

1 The Commissioner of Intermediate Education,

Andhra Pradesh Nampally, Hyderabad.
2 State of A.P., rep. by its Secretary to Govt.,

Higher Education Department,
Secretariat, Saifabad, Hyderabad.
3 The Regional Joint Director of Intermediate Education,

Kadapa.

.....RESPONDENTS

Counsel for the Appellants: MR.D.V.SITARAMAMURTHY
Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following :

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JUDGEMENT:(Per Hon'ble Sri JC, J)

Aggrieved by the order in W.P.M.P.18264 of 2005 in W.P.No.14381 of 2005, dated 05-07-2005, in so far as the liberty given to the respondents to pass appropriate order withdrawing the aid, is concerned, the writ petitioners preferred this appeal.

The details of the writ petition may not be necessary except to state that the first respondent issued a show cause notice dated 22-05-2005 to the appellants by which the appellants were called upon to explain as to why the grant-in-aid that had been granted to their institutions cannot be withdrawn. Obviously, the appellants were running educational institutions, which have been receiving grant-in-aid. Assailing the said show cause notice, the appellants filed WP No.14281 of 2005, and sought interim suspension of the same. On 5.7.2005, a learned single Judge has passed the order under appeal, which reads as under:

> ' There shall be interim suspension as prayed for.
>
> However, if the petitioners do not get the required strength prescribed by the Government, the respondents are at liberty to pass appropriate orders withdrawing the aid that is being granted to the petitioners' institutions with reference to various posts.'

The learned Judge while granting interim suspension had stipulated the condition as indicated above. Apprehending that the respondents might unilaterally withdraw the grant-in-aid taking advantage of the liberty as stipulated in the above order, the

appellants have preferred the present appeal.

Heard the learned Counsel for the appellants and the learned Government Pleader.

Since this appeal arises of an interim order, the examination of the merits of the W.P, if any, by this Court at the stage of interlocutory proceedings may touch the very merits of the subject matter of the main writ petition. In this view of the matter, without expressing any opinion on the merits of the case, we deem it appropriate to direct the respondents to give a reasonable opportunity to the appellants herein before passing any orders as to the withdrawal or otherwise of the grant-in-aid. The order of the learned single Judge is modified to that effect.

Subject to the above direction, this writ appeal is disposed of. No costs.

(J.Chelameswar, J)

(M. Venkateswara Reddy, J)

21st July, 2005

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Copy to:

1 The Commissioner of Intermediate Education,

Andhra Pradesh Nampally, Hyderabad.
2 The Secretary to Govt.,

Higher Education Department,

Government of A.P.,
Secretariat, Saifabad, Hyderabad.
3 The Regional Joint Director of Intermediate Education,

Kadapa.

4 Two CCs to the G.P. for Education,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

5 Two CD copies.